



David B. Cohen  
Mayor

CITY OF NEWTON, MASSACHUSETTS  
Department of Planning and Development  
Michael J. Kruse, Director

Telephone  
(617)-796-1120  
Telefax  
(617) 796-1142  
E-mail  
mkruse@ci.newton.ma.us

Public Hearing Date: July 13, 2004  
Land Use Action Date: *To Be Determined*  
Board of Aldermen Action Date: September 20, 2004  
90-Day Expiration Date: October 11, 2004

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development  
Nancy Radzevich, Chief Planner  
Alexandra Ananth, Planner

SUBJECT: Petition #287-04 of ADRIENNE BAKER & CHRISTOPHER P. BAKER for a SPECIAL PERMIT/SITE PLAN APPROVAL for an EXTENSION OF A NON-CONFORMING STRUCTURE to extend the height on a portion of an existing single-family house from 33.1 feet to 40.7 feet, and from 3.5 stories to 4 stories, at 340 CHESTNUT STREET, Ward 3, WEST NEWTON, on land known as Sec 32, Blk 36, Lot 3, containing approx. 39,882 sf of land in a district zoned SINGLE RESIDENCE 1.

CC: Mayor David B. Cohen

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The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will consider in its discussion at a subsequent Working Session.

I. **ELEMENTS OF THE PETITION**

The subject property is located at 340 Chestnut St. in West Newton Hill, and consists of a 39,916 sq. ft. lot improved with a wood-framed, 3½ -story (including basement), single-family residence. The existing residence is approximately 8,800 sq. ft. and includes a 2-car garage. The house is currently nonconforming with respect to the height and number of stories. The site also has frontage on Bristol Rd.

The petitioners are proposing to expand the existing residence by approximately 2,600 sq. ft. through the construction of a 4-story (including basement) "tower" addition to the northeast corner of the existing residence. The Newton Historical Commission has reviewed proposed

plans and waived the one-year demolition delay for the existing stair tower and deck. The Commission notes their support of the applicant's special permit application (*SEE "ATTACHMENT A"*). The subject property will continue to be used as a single-family residence.

The petitioners are currently in the process of extensive renovations to the existing residence and site for which a special permit is not required. These include:

- Renovation to the interior of the existing residence;
- Demolition of the existing front entrance porch and reconstruction of a new entry to replicate the detail of the existing;
- Full enclosure of a partially enclosed porch;
- Removal of a shed dormer on the 3<sup>rd</sup> floor of the south façade;
- Removal and addition of windows; and
- Replacement of various brick retaining walls with stone walls.

In his review, dated June 15, 2004, the Chief Zoning Code Official notes that the submitted site plans show an existing concrete pad for pool equipment storage located on the north property line. The petitioners have stated they will submit revised plans showing the removal and relocation of the concrete pad to meet the setback requirements prior to being scheduled for a working session. (*SEE "ATTACHMENT B"*).

## II. **ZONING RELIEF BEING SOUGHT**

*The petitioners are seeking relief from or approvals through the following section(s) of the zoning ordinance:*

- *Section 30-21 (a)(2)(b) allows the Board of Aldermen to grant a special permit for any alteration, reconstruction, extension or structural change of such building or structure to provide for its use in a substantially different manner or greater extent than the existing use.*
- *Section 30-21(b) allows the Board of Aldermen to grant a special permit for the extension or alteration of a nonconforming structure. The existing residence is a legal, nonconforming structure with respect to the height of the house and the number of stories. The petitioners are proposing to extend the nonconformity by increasing the height from 33.1 ft. to 40.7 ft. and from 3½-stories to 4-stories.*

## III. **SIGNIFICANT ISSUES FOR CONSIDERATION**

*In reviewing this petition, the Board should consider the following:*

- *Whether this structure with the proposed addition will be substantially more detrimental to the neighborhood than the existing non-conforming structure; and*
- *Whether the style and scale of the proposed 4-story addition are appropriate for the site and compatible with the surrounding residential scale and neighborhood context.*

IV. **CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD**

A. Site

The 39,916 sq. ft. subject property is located at 340 Chestnut St. in West Newton Hill. The site is currently improved with a wood-framed, 3½ -story (including basement), Tudor-style single-family residence built in various stages beginning in the early 1920's. The existing residence is approximately 8,800 sq. ft. and includes a 2-car garage. At the rear of the house is a 3½-story stair tower and wooden deck, which the petitioners are proposing to demolish.

Behind the residence is a large back yard in which there is an existing in-ground swimming pool. The "rear yard" also has frontage on Bristol Rd. From the front, the residence appears to be 2½-stories because the site slopes downhill from Chestnut St. to the eastern side of the property (along Bristol Road). Because of this the lower level does not meet the definition of a basement and is considered a full story. The house is currently non-conforming with respect to height and the number of stories.



**View of 340 Chestnut St. from Chestnut St.**



**View of 340 Chestnut St. from the rear yard showing existing stair tower  
proposed for demolition and area of proposed new tower addition**

B. Neighborhood

The subject property is located in West Newton Hill, within a neighborhood zoned Single Residence 1. The surrounding neighborhood is comprised primarily of large single-family residences, most of which were built in the early 1900's. The existing residence and lot appear to be in scale with surrounding properties. Though many of the surrounding residences appear to be 2-2½-stories, the property directly north of the subject site, 350 Chestnut St. also appears to be 3½-stories. The All Newton Music School is located across the street from the subject property.

#### IV. ANALYSIS

##### A. Technical Considerations

The following table compares the existing residence and the residence with the proposed addition to the technical requirements for a single-family dwelling in a Single Residence 1 District:

SR1 District (pre 1953 lot)	Required	Existing	Proposed
Minimum lot size	15,000 sq. ft.	39,916 sq. ft.	39,916 sq. ft.
Frontage	100 ft.	150 ft.	150 ft.
Setbacks			
Front (Chestnut St)	25 ft.	63.2 ft.	63.2 ft.
Front (Bristol Rd.)	25 ft.	121.3 ft.	121.3 ft.
Side (north)	12.5 ft.	39.6 ft.	39.3 ft.
Side (south)	12.5 ft.	37.8 ft.	37.8 ft.
Floor Area Ratio	.25	.22	.28 <sup>1</sup>
Building height (max.)	30 ft.	<b>33.1 ft.</b>	<b>40.7 ft.</b>
# of stories (max.)	2½-stories	<b>3½-stories</b>	<b>4-stories</b>
Building lot coverage (max.)	20%	6.5%	8.9%
Amount of open space (min.)	65%	80%	78%

As shown in the table above, the existing single-family residence is nonconforming with respect to maximum height and number of stories. *The proposed addition will result in a further increase in the existing non-conformities.*

**B. Land Use**

The land uses surrounding the subject property are single-family residences. The subject property will continue to be used as a single-family residence and the proposed additions should not have any impact on the use of the site.

**C. Building and/or Site Design**

As previously noted, the petitioners are proposing to expand the existing residence by an additional 2,600 sq. ft. at the northeast corner of the structure. The proposal includes the demolition of the existing 3½-story stair tower and wooden deck, which would be replaced with a new 4-story tower addition and a new deck. The proposed addition will include storage space, a family theater room, a family room, a children's room, a home office area, and wooden deck. The existing residence is nonconforming with respect to stories because the "lower level" does not meet the definition of a "basement."

The proposed tower-style addition continues the Tudor-style of the existing house and will include a new brick chimney and slate roof. The proposed deck will include wood columns and will be set on stone piers with lattice in between.

As stated earlier, the proposed tower addition is 4-stories and 40.7 ft. tall, exceeding the dimensional controls. The Planning Department notes the existing roof ridge at elevation is 140.2 ft. and the peak of the addition is at elevation 144.5 ft., or 4.3 ft. higher than the existing roof peak. The petitioners have stated the height of the tower was increased above the peak of the existing house at the request of the Newton Historical Commission for aesthetic and architectural reasons.

<sup>1</sup> This is provided for reference purposes only. FAR applies to reconstruction where more than 50% of the existing structure is to be demolished and is not applicable in this case.



Although the proposed addition will add approximately 2,600 sq. ft. to the existing residence, it does not appear that the addition will be out of scale with the overall residence or site. The addition is to the northeast corner of the house and will create minimal change to the house as viewed from either Chestnut St. or Bristol Rd because of the existing 3½-story stair tower. The Planning Department also notes that the addition is approximately 105 ft. from the abutting residence to the north, which is located approximately 14 ft. above the elevation of the subject property and also appears to be 3½-stories.

The petitioners are also proposing various site plan changes including an enlargement of the front walkway, the addition of a walkway from the porch to the existing swimming pool, and replacement of various brick retaining walls with stone walls. Additionally, the petitioners are proposing to repave the existing bituminous concrete driveway and to increase the driveway and parking area by approximately 720 sq. ft. The existing driveway is approximately 12 ft. in width and the petitioners are not proposing to increase the width along either Chestnut St. or Bristol Rd.

The petitioners are currently in the process of extensive renovations to the existing residence for which a special permit is not required including the demolition of the existing front entrance porch and reconstruction of a new entry to replicate the detail of the existing, full enclosure of a partially enclosed porch, removal of a shed dormer on the 3<sup>rd</sup> floor of the south façade, the removal and addition of windows, and renovations to the interior.

D. Department/Commission Reviews

The Acting City Engineer has completed his review in the attached memorandum dated July 8, 2004 (*SEE "ATTACHMENT C"*). *The petitioners should address all issues raised by the Engineering Division prior to the Working Session and submit revised plans if necessary.*

E. Relevant Site Plan Approval Criteria

1. Screening of parking areas and structure(s) on the site from adjoining premises or from the street by walls, fences, plantings or other means.

The petitioners will be retaining their 2-car garage but are proposing to repave and slightly enlarge their driveway and parking area. The petitioners have submitted a landscape plan as part of their petition. Though the lot is wooded along the north and south property lines as the landscape plan and site plans indicate, it appears the petitioners will be removing at least 7 trees (some of which appear to be dead or diseased). The Planning Department notes that no trees will be removed specifically for the proposed tower addition or site improvements.

*Though the petitioners are proposing a line of new arborvitae trees along the north property line to help screen the proposed addition from the abutting property, the Planning Department recommends the petitioners consider a*



***better mix of screening (not just arborvitae) in this area. The Planning Department recommends the petitioner work with their abutting neighbor to submit a revised landscape plan prior to the Working Session.***

2. Consideration of site design, including the location and configuration of structures and the relationship of the site's structures to nearby structures in terms of major design elements including scale, materials, color, roof and cornice lines.

The proposed addition is to the northeast corner of the existing residence in place of an existing 3½-story stair tower and wooden deck that will be removed. The proposed materials match the existing materials of the house and will be painted the same colors. The peak of the addition will exceed the peak of the existing house by approximately 4.3 ft.

The proposed addition is thoughtfully designed to blend with the style and design of the existing house and should not appear out of scale with the site or surrounding residences in the neighborhood and should be minimally visible from either Chestnut Street or Bristol Road.

Most of the residences in the immediate neighborhood are very large (<5,000 sq. ft.) and the subject property with the proposed addition appears to be in scale with the surrounding properties. The immediate abutter to the north, 350 Chestnut St, appears to be 3½-stories.

3. Avoidance of the removal or disruption of historic resources on or off-site.

As previously noted, the petitioners have had the demolition work and the proposed addition reviewed by the Newton Historical Commission. In the attached record of action, the Commission notes their support of the project.

#### H. Relevant Special Permit Criteria

1. The specific site is an appropriate location for such use, structure

The residence will remain a single-family home consistent with the zoning of the property and the surrounding neighborhood. The proposed additions are in keeping with the character of the neighborhood and are appropriate for the use and structure.

2. The use as developed and operated will not adversely affect the neighborhood.

The proposed additions will not change the use of the site. Though the Planning Department has recommended a better mix of screening on the north property line, existing and proposed landscaping should sufficiently screen the addition from the abutting property to the north and the addition should be minimally visible from the public way. The addition should not adversely affect the neighborhood in any way, as long as additional run-off is captured and retained on site.

V. **SUMMARY**

The subject property is located at 340 Chestnut St. in West Newton Hill, and consists of a 39,916 sq. ft. lot improved with a wood-framed, 3½ -story (including basement), single-family residence. The existing residence is approximately 8,800 sq. ft. and includes a 2-car garage. The site also has frontage on Bristol Rd. The existing residence is a legal, nonconforming structure with respect to the height of the house and the number of stories.

The petitioners are proposing to expand the existing residence by approximately 2,600 sq. ft. through the construction of a 4-story (including basement) “tower”-style addition to the northeast corner of the existing residence. The proposed addition will result in a further increase in the existing non-conformities. The Newton Historical Commission has reviewed proposed plans and waived the one-year demolition delay for the existing stair tower and wooden deck and support the applicant’s special permit application. The petitioners are also proposing additional renovations to the existing residence for which a special permit is not required.

The subject property will continue to be used as a single-family residence and the proposed additions should not have any impact on the use of the site. Although the proposed addition will add approximately 2,600 sq. ft. to the existing residence, it is thoughtfully designed to blend with the style of the existing house and should not appear out of scale with the site or surrounding residences in the neighborhood. The existing roof ridge is at elevation 140.2 ft. and the peak of the addition is at elevation 144.5 ft. The petitioners have stated the height of the tower was increased above the peak of the existing house at the request of the Newton Historical Commission for aesthetic and architectural reasons. The addition is to the northeast corner of the house and will create minimal change to the house as viewed from either Chestnut St. or Bristol Rd. The Planning Department also notes that the addition is approximately 105 ft. from the abutting residence to the north, which is located approximately 14 ft. above the elevation of the subject property.

Though the petitioners are proposing a line of new arborvitae trees along the north property line to help screen the proposed addition from the abutting property, the Planning Department recommends the petitioners consider a better mix of screening (not just arborvitae) in this area. The Planning Department recommends the petitioner work with their abutting neighbor to submit a revised landscape plan prior to the Working Session.

***Prior to the Working Session:***

1. ***The petitioners should respond to all issues raised by the Chief Zoning Code Official and City Engineer.***
2. ***The petitioners should submit a revised landscape plan with a better mix of plantings along the north property line.***